

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ROBERT ALAN KIRVEN,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 16-13975

Hon. Marianne O. Battani

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**ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Robert Alan Kirven brings this action pursuant to 42 U.S.C. § 405(g), challenging the final decision of the Defendant Commissioner of Social Security denying his application for disability insurance benefits under Title II of the Social Security Act, 42 U.S.C. § 401 *et seq.* The case was referred to Magistrate Judge Elizabeth A. Stafford pursuant to 28 U.S.C. § 636(b)(1)(B) for review of the Commissioner's decision.

The parties filed cross-motions for summary judgment. In a report and recommendation ("R & R") dated November 17, 2017, the Magistrate Judge recommended that the Court deny Plaintiff's motion for summary judgment, grant Defendant's motion for summary judgment, and affirm the decision of the Defendant Commissioner. The Magistrate Judge also informed the parties that any desired objections to the R & R were to be filed within 14 days of service of the R & R, and that a party's failure to file objections would constitute a waiver of any further right of appeal. (Dkt. 17, R & R at 12.)

Neither party has filed objections to the R & R. Because no objections have been filed, the parties have waived their right to *de novo* review and appeal. Moreover, having reviewed the R & R and the remainder of the record, this Court fully concurs in the Magistrate Judge's analysis and recommended disposition of this case.

Accordingly, the Court **ADOPTS** the Magistrate Judge's November 17, 2017 report and recommendation (Dkt. 17). In accordance with the Magistrate Judge's R & R, the Court **DENIES** Plaintiff's motion for summary judgment (Dkt. 12), **GRANTS** Defendant's motion for summary judgment (Dkt. 16), and **AFFIRMS** the final administrative decision of the Defendant Commissioner of Social Security.

IT IS SO ORDERED.

Date: March 29, 2018

s/Marianne O. Battani
MARIANNE O. BATTANI
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail to the non-ECF participants on March 29, 2018.

s/ Kay Doaks
Case Manager